

UNITED STATES DISTRICT COURT

Eastern

District of

Pennsylvania

Wilmer B. Gay

V.

BILL OF COSTS

Case Number: 02-4693

Robert D. Shannon, et al.

Judgment having been entered in the above entitled action on 11/23/2005 against
 date

Plaintiff Wilmer B. Gay (judgment aff'd 12/22/2006) the clerk is requested to tax the following as costs:

| | | |
|---|----------|---------------|
| Fees of the Clerk..... | \$ | _____ |
| Fees for service of summons and subpoena..... | | _____ |
| Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case | | <u>185.65</u> |
| Fees and disbursements for printing | | _____ |
| Fees for witnesses (itemize on reverse side)..... | | _____ |
| Fees for exemplification and copies of papers necessarily obtained for use in the case..... | | _____ |
| Docket fees under 28 U.S.C. 1923..... | | _____ |
| Costs as shown on Mandate of Court of Appeals | | <u>146.40</u> |
| Compensation of court-appointed experts | | _____ |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 | | _____ |
| Other costs (please itemize)..... | | _____ |
| | TOTAL \$ | <u>332.05</u> |

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Wilmer B. Gay, pro se

Signature of Attorney:

Claudia M. TesoroName of Attorney: Claudia M. Tesoro

For: Beard, Bitner, Brennan, Canino, Cudwaddie, Dotter, James, Kneiss, McCusker, Meyers,
Mooney, Petruccio, Shannon, Vaughn, Wade

Date: 4/3/2007

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____

Deputy Clerk

Date

| WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees) | | | | | | | |
|--|--|--|---|--|--|--|------------------------------------|
| NAME AND RESIDENCE | ATTENDANCE DAYS TOTAL COST | | SUBSISTENCE DAYS TOTAL COST | | MILEAGE MILES TOTAL COST | | TOTAL COST EACH WITNESS |
| | | | | | | | |
| | | | | | | | TOTAL |

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28 which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On Motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6 (e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

*Attn: Claudia Tesora Esq.***PRECISION REPORTING, INC.**

230 South Broad Street - 11th Floor
 Philadelphia, PA 19102
 (215) 731-9847 (856) 848-4978
 Tax I.D. #23-2625814

VALERIE E.G. CAGGIANO
 OFFICE OF ATTORNEY GENERAL
 STRAWBERRY SQUARE
 15TH FLOOR
 HARRISBURG, PA 17120

April 2, 2007

Invoice# 68277

Balance: \$.00

Re: GAY VS. SHANNON
 on 06/10/05 by LISA C. BRADLEY

Billed: 06/27/05***Invoicing Information***

| <u>Charge Description</u> | <u>Amount</u> |
|--|---------------|
| ORIGINAL PLUS ONE COPY - DEPOSITION TRANSCRIPT OF: | |
| WILMER B. GAY - 47 PAGES @ \$2.45 | 115.15 |
| EXHIBITS - 10 PAGES @ \$.35 | 3.50 |
| APPEARANCE | 60.00 |
| DELIVERY | 7.00 |
| CONDENSED TRANSCRIPT & WORD INDEXING N/C | |
| ATT.INFO.-PATRICK J. McMONAGLE, ESQUIRE, DEPUTY | |
| ATTORNEY GENERAL, OFFICE OF ATTORNEY GENERAL, 21 | |
| SOUTH 12TH STREET, 3RD FLOOR, PHILA, PA 19107 | |

| | | |
|--------------------------------|---------------------|---------------|
| | Sub Total: | 185.65 |
| | - Payments/Credits: | 185.65 |
| Please Remit - - - > | Total Due: | \$.00 |

*After 30 days, a finance charge of 1.5% per month
 will be applied to the past due amount*

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-1325

WILMER B. GAY,

Appellant

v.

ROBERT D. SHANNON, SUPERINTENDENT AT SCI-MAHANOEY; VINCENT MOONEY, CAPTAIN AT SCI-MAHONEY; MARY CANINO, EXAMINER AT SCI-GRATERFORD; JEFFERY A. BEARD, SECRETARY FOR PENNSYLVANIA DEPARTMENT OF CORRECTIONS; THOMAS L. JAMES, CHIEF GRIEVANCE COORDINATOR FOR PDOC; ROBERT S. BITNER, CHIEF HEARING EXAMINER FOR PDOC; CO1 MCCUSKER, D-BLOCK OFFICER AT SCI-GRATERFORD; LT. DERRICK WADE, HOUSING OFFICER AT SCI-GRATERFORD; DONALD T. VAUGHN, SUPERINTENDENT AT SCI-GRATERFORD; WILLIAM FULMER, INMATE PRISONER AT SCI-MAHONEY; BERNIE CUDWODIE, DRUG & ALCOHOL SUPERVISOR; ANTHONY L. PETRUCCIA, DEPUTY SUPT. FACILITY MANAGEMENT; EDGAR M. KNEISS, DEPUTY SUPT. CENTRAL SERVICES; CAROL M. DOTTER, GRIEVANCE COORDINATOR AT SCI-MAHANOEY; SGT. MEYERS, PROPERTY ROOM OFFICER AT MAHANOEY; LT. BRENNAN, PROPERTY ROOM OFFICER AT SCI-MAHANOEY

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(E.D. Pa. Civ. No. 02-cv-04693)
District Judge: Honorable Norma L. Shapiro

Submitted Under Third Circuit LAR 34.1(a)
DECEMBER 22, 2006

BEFORE: SLOVITER, MCKEE AND AMBRO, CIRCUIT JUDGES

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1. On consideration whereof, it is now here

ORDERED AND ADJUDGED by this Court that the orders of the District Court entered December 10, 2002, March 3, 2005, and November 23, 2005, are affirmed, as are the orders denying reconsideration of the March 3, 2005, and November 23, 2005 orders. Costs taxed against the Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: December 22, 2006

Cost Taxed In Favor of Appellees as Follows:

Brief.....\$146.40

Total.....\$146.40

Certified as a true copy and issued in lieu
of a formal mandate on February 13, 2007

Teste: *Marcia M. Waldron*

Clerk, United States Court of Appeals
for the Third Circuit